

UNITED STATES DISTRICT COURT

DISTRICT OF NEW JERSEY

ANDY KIM, et al

Plaintiffs,

V.

Case CIV- No. 24 CV-1098

CHRISTINE GIORDANO HANLON, et al

Defendants.

AFFIDAVIT OF BENJAMIN R. SWARTZ

State of Nebraska)
) ss.
County of Douglas)

I, Benjamin R. Swartz, being first duly sworn, state as follows:


1. I am over the age 18 and am competent to provide this affidavit.
2. I am the Principal State Certification Manager for Election Systems & Software, LLC ("ES&S") and have been in this role for 14 years.
3. The information contained in this affidavit is based upon my personal knowledge and information that I have obtained as the Principal State Certification Manager for ES&S.
4. I am familiar with the State of New Jersey's certification process to test and certify election systems and election software for use in the State's elections.
5. ES&S manufactures and supplies elections systems, including the Election Management Software (EMS) and the ExpressVote XL, to units of government nationwide, currently including fifteen (15) counties in the State of New Jersey.
6. The New Jersey Secretary of State certified the following ExpressVote XL machine(s) along with the following software version(s) on the corresponding dates according to its regular customary certification procedures: ExpressVote XL v. 4.2.1.0 / Electionware v. 6.3.0.0 ("EVS

6300") - Certified 1/10/2023; and ExpressVote XL v. 4.2.0.0 / Electionware v. 6.2.0.0 ("EVS 6200")— Certified 2/24/2022.

7. EVS 6200 is currently installed and in use in two (2) counties in New Jersey and EVS 6300 is currently installed and in use in thirteen (13) counties in New Jersey.

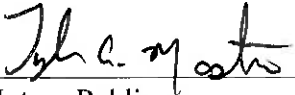
8. Both EVS 6200 and EVS 6300 of the ES&S ExpressVote XL system used in New Jersey were certified and tested using the current, traditional ballot layout style. Any deviations from that style would need to be evaluated to determine feasibility. Depending on the ballot layout style requirements, any changes would require development, testing and certification of a new and/or updated version of software. Such deviations could not be made and implemented prior to New Jersey's 2024 primary elections.

9. I hereby certify under penalty of perjury that the foregoing statements are true and correct.


Benjamin R. Swartz, Affiant

State of Nebraska)
) ss.
County of Douglas)

Subscribed and sworn to before me on this 4th day of March, 2024 by Benjamin R. Swartz.


Notary Public

